

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

CIVIL SERVICE/FIRE & POL. Provides that the position of police is a classified competitive appointment.

DIGEST

Present constitution creates a fire and police civil service system applicable to municipalities of over 13,000 in population and parishes and fire protection districts. Provides that the system is subject to Art. XIV, §15.1 of the 1921 constitution made statutory by the 1974 constitution. Present law creates and provides for two fire and police civil service systems: (1) one applicable to any municipality which operates paid police and fire departments and which has a population of not fewer than 13,000 persons; and (2) one applicable to any parish, fire protection district, or municipality with a population of fewer than 13,000, but not fewer than 7,000 persons. Present constitution authorizes modifications to such systems (by law adopted by 2/3 of each house of the legislature in the case of provisions of Art. XIV, §15.1 of the 1921 constitution made statutory by the constitution of 1974) but prohibits the legislature from abolishing the system or making it inapplicable to covered jurisdictions.

Proposed law retains present constitution and present law.

Present law relative to both systems, provides that the classified service shall comprise every position, except those in the unclassified service to which the right of employee selection, appointment, supervision, and discharge is vested in the municipal government. Provides that the positions of police chief and assistant police chief shall be in the classified service. Provides further with respect to which positions are in the classified and unclassified service.

Proposed law retains present law and additionally authorizes the governing authority to create, by ordinance, the classified competitive position of a deputy police chief. Provides that the position of deputy police chief is not the same as the position of assistant police chief as provided in present law. Provides that the deputy police chief position is an appointive position within the classified service. Further provides that the right of selection from a promotional list of qualified applicants as well as the appointment, supervision, and discharge for the position shall be vested in the police chief. Requires the governing authority to provide for the duties and responsibilities of the deputy police chief in the ordinance creating the position. Provides that the deputy police chief may have direct supervision over all positions in the classified service below the rank of police chief.

Proposed law requires the deputy police chief to have at least eight years of full time law enforcement experience and to at least hold the rank of sergeant in the classified police service at the time of his appointment.

Proposed law provides for promotional examination, scoring of such exams, eligibility of candidates, and seniority accumulation benefits of persons occupying the deputy chief of police position.

Proposed law provides that the deputy chief of police shall serve indefinitely in the classified competitive position and shall be evaluated every three years by the chief of police. Further provides that the chief of police may reconfirm the deputy chief for another three year period or demote the deputy chief to his former class of positions after an evaluation.

Proposed law provides that if any such person is demoted as the result of such evaluation, or otherwise vacates the position on the approval of the chief of police, he shall be demoted to a position in the class he held immediately preceding his appointment as deputy chief of police. Further provides that if a deputy chief of police is subjected to corrective or disciplinary action, he shall have the same rights as any other employee in the municipal fire and police civil service.

Proposed law provides that the provisions of proposed law shall not be construed to require any governing authority to create the position of deputy police chief. Additionally provides that the provisions of proposed law shall not affect any person employed in the classified police service on the effective date of proposed law who is in the second highest class in the classified police service at the rank of assistant chief of police or deputy chief of police, or similarly named second highest rank. Provides that any such person shall continue to hold such rank and shall continue to be employed in the classified police service on and after the effective date of proposed law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 33:2481.4 and 2541.1)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill.

1. Authorizes the governing authority to create the position of deputy police chief.
2. Provides that the right of selection, supervision, and appointment of the deputy police chief by the police chief is subject to the approval of the appointing authority. Requires the police chief to select qualified applicants from a promotional list.
3. Removes provisions that require the police chief to establish the duties and responsibilities of the deputy police chief and instead requires the governing authority to establish such duties and responsibilities in the ordinance creating the position. Adds a provision that the deputy police chief may have direct supervision over all positions in the classified service below the rank of assistant police chief.
4. Clarifies that the position of deputy police chief is not the same as the position of assistant police chief, which is in the classified service.
5. Changes a provision of proposed law to require the deputy police chief to have at least eight years rather than 10 years of full time law enforcement experience.
6. Relative to reemployment in the classified service of a person who is removed from the deputy chief position, requires such reemployment if such person is removed without cause rather than if such person is removed for any reason other than malfeasance in office. Adds provisions that give a person removed for cause from the position of deputy chief of police the same rights as any other employee in the classified fire and police service.
7. Changes a provision of proposed law to provide that the provisions of proposed law shall not be construed to require any governing authority, rather than any police chief, to create the position of deputy police chief.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Local and Municipal Affairs to the reengrossed bill.

1. Changes the appointment of the deputy chief of police from a position in the unclassified service to a competitive position in the classified service and removes all provisions relative to a deputy police chief returning to a position in the classified service from an unclassified position.

2. Adds a provision relative to the selection process for a deputy chief of police.
3. Changes the deputy police chief's direct supervision of authority from below the rank of assistant chief of police to below the chief of police.
4. Removed the provision stating that the right of selection, supervision, and appointment of the deputy police chief, by the police chief, is subject to the approval of the appointing authority.
5. Adds provisions relative to promotional examination, scoring of such exams, eligibility of candidates, and seniority accumulation benefits for persons occupying the deputy chief of police position.
6. Adds provisions relative to the evaluation, demotion or resignation procedures for persons occupying the deputy chief of police position.